

# PUBLIC HEARING NOTICE

## Resolution Requesting to Join the Big Sky Passenger Rail Authority

The Stillwater County Commissioners will conduct a Public Hearing at 9:00 a.m., on May 3<sup>rd</sup>, 2021 in the Stillwater County Courthouse 1<sup>st</sup> Floor Meeting Room 400 E 3<sup>rd</sup> Ave N. Columbus, MT 59019, contact Commissioner's Administrative Assistant at 322-8010 for further questions.

The purpose of the Public Hearing will be to render a decision on a petition Requesting to Join the Big Sky Passenger Rail Authority established for the purpose of providing for the preservation and improvement of abandoned rail service in southern Montana.

Any taxpayer or resident of Stillwater County may appear and be heard, for or against, the Resolution.

The text of the proposed resolution can be found on our website.

Please Publish in Stillwater County News April 22<sup>nd</sup>, April 29<sup>th</sup>, 2021.

### RESOLUTION 2021-05

#### **RESOLUTION REQUESTING TO JOIN THE BIG SKY PASSENGER RAIL AUTHORITY, ESTABLISHED FOR THE PURPOSE OF PROVIDING FOR THE PRESERVATION AND IMPROVEMENT OF ABANDONED RAIL SERVICE IN SOUTHERN MONTANA**

**BE IT RESOLVED** by the Stillwater County Board of County Commissioners (the "Board"), as follows:

Section 1. Authorization. Pursuant to Montana Code Annotated, Title 7, Chapter 14, Part 16, as amended (the "Act"), local governments are authorized to create railway authorities. Under the Act, a "railway authority" may be authorized by law as either a county rail authority or by joint resolution by two or more counties the counties may create a regional rail authority. The Act gives a railway authority all the powers set forth in the Act necessary to provide for the preservation and improvement of abandoned rail service, including passenger rail service.

Section 2. Purpose. The purpose of an authority is to provide for the preservation and improvement of abandoned rail service for agriculture, industry, or passenger traffic and to provide for the preservation of abandoned railroad right-of-way for future transportation uses, when determined to be practicable and necessary for the public welfare. The establishment of the Big Sky Passenger Rail Authority provides:

- A means to further the health, safety, welfare, and economic prosperity of the region by advocating for rail as a public transportation option;
- The governance structure to investigate, analyze, seek funding for, and develop long-distance, inter-city rail service across southern Montana; and
- Other undertakings contemplated by the Act.

Section 3. Name of District and Duration. The Regional Rail Authority (Authority), known and designated as the "Big Sky Passenger Regional Rail Authority," was created by a Joint Resolution Creating

A Regional Rail Authority, last adopted on November 18, 2020. The duration of the Authority is perpetual, provided that, if no bonds, or other debt of the Authority, are outstanding and the Authority determines that it is in the best interest of the Counties' inhabitants or that the purpose of the Authority has been fulfilled, the Authority may dissolve the Authority pursuant to the rules established by the Authority.

Section 4. Governance. The powers of the Authority are vested in a board of directors.

(1) Appointment of Directors. The Boards of County Commissioners in the original participating counties appointed the initial directors of the Authority. The Authority will have the authority to increase the number of directors after the Authority is established and the appointment of the initial directors. If the Authority expands the number of counties, and directors, beyond the initial participating counties, each Board of County Commissioners in the subsequently added counties will make board appointments to the Authority.

(2) Number of Directors. The Authority board will have at least five directors. If five or more counties join the Authority, the board membership will equal the number of counties in the Authority, with one member appointed by each county.

(3) Qualifications of board members. The appointed directors must have an interest in furthering the mission of the Authority and bring varying expertise and knowledge to the Authority.

(4) Length of term. Each director will be appointed for a term of three years.

Section 5. Proposed Boundaries of District. The limits and boundaries of the Authority may be, as set forth below, enlarged to encompass in the aggregate the boundaries as approved by each participating County. The boundary of the area proposed to be included in the Authority for each county shall be the boundary of the county unless designated otherwise.

Section 6. Rule Making Authority to Enlarge District. The Authority has the authority to adopt rules pursuant to MCA § 7-14-1631, including but not limited to procedural rules for the addition of a county not included in the original joint resolution, with the county requesting to join adopting a resolution and submitting such resolution to the Authority. If this request is granted by the Authority, the Board of County Commissioners of the petitioning county will select, pursuant to its own process, its representative to the board of the Authority.

Section 7. General Powers of Authority. The Authority has all the powers necessary to carry out the purposes of the Act, including but not limited to:

- (1) sue and be sued, have a seal, and have perpetual succession;
- (2) execute contracts and other instruments and take other action as may be necessary to carry out the purposes of the Act;
- (3) receive and disburse federal, state, and other funds, public or private, made available by grant, loan, contribution, tax levy, or other source to accomplish the purposes of the Act. Federal money accepted under this subsection must be accepted and spent by the authority upon terms and conditions prescribed by the United States and consistent with state law. All state money accepted under this subsection must be accepted and spent by the authority upon terms and conditions prescribed by the state.
- (4) sell, lease, or otherwise dispose of real or personal property acquired pursuant to this part. The disposal must be in accordance with the laws of this state governing the disposition of other public property.

- (5) borrow money and issue bonds pursuant to MCA 7-14-1636; and
- (6) all other powers provided by Montana statutory authority.

Section 8. Public Hearing. Pursuant to MCA 7-14-1621(2), the undersigned County certifies that it held a public hearing and published notice of the hearing pursuant to MCA 7-1-2121, and published a copy of this proposed Resolution as required.

Section 9. Request to Join. Stillwater County (County) passes this Resolution requesting to join the Big Sky Passenger Rail Authority. The Board of County Commissioners of the County authorizes and directs that the Resolution be presented to the directors of the Authority for consideration by such directors in the manner set forth below. Upon confirmation from the Authority, the Commission will appoint a member to the board.

Section 10. Required Actions by Directors of Authority. The Board of County Commissioners of the County understands and agrees that the addition of the County as a participating county in the Authority requires subsequent action of the directors of the Authority. Upon adoption of this resolution following a public hearing and presentation of this resolution to the directors of the Authority, the directors of the Authority will cause to be scheduled and will conduct a duly noted public hearing at which time the directors of the Authority will hear public comment on whether to add the County as a participating county in the Authority, the boundaries of the authority if it is to be enlarged, and any other matters that may be relevant.

Following the public hearing, which may be continued from time to time, the directors of the Authority, if it is determined to add the County as a participating county in the Authority, shall adopt a resolution adding the County as a participating county in the Authority, specifying the new boundaries of the Authority, as enlarged by the addition of the County, and addressing such other matters as may be relevant.

## **STILLWATER COUNTY BOARD OF COMMISSIONERS**

Adopted following Public Hearing on \_\_\_\_\_, 2021

\_\_\_\_\_  
Commissioner Mark Crago, Chair

\_\_\_\_\_  
Commissioner Tyrel Hamilton

\_\_\_\_\_  
Commissioner Steve Riveland

Attest:

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County Clerk and Recorder/Treasurer